1 BRENDAN V. MONAHAN (WSBA #22315) ERIKA HARTLIEP (WSBA #33277) 2 STOKES LAWRENCE **VELIKANJE MOORE & SHORE** 3 120 N. Naches Avenue Yakima, Washington 98901-2757 4 (509) 853-3000 5 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF WASHINGTON 8 TOPP CREEK FARMS, LLC, a 9 Washington limited liability company, Case No.: 10 Plaintiff, NOTICE OF REMOVAL (Yakima County Superior Court, No. v. 18-2-00817-39) 11 RURAL COMMUNITY INSURANCE 12 COMPANY a/k/a RURAL **COMMUNITY INSURANCE** 13 SERVICES, a foreign insurance corporation, 14 Defendant. 15 16 Clerk, United States District Court for the Eastern District of Washington TO: 17 AND TO: Jay Carroll, Halverson Northwest Law Group, Attorney for Plaintiff Topp 18 Creek Farms, LLC ("Topp Creek") 19 20 21 STOKES LAWRENCE

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120 N. NACHES AVENUE
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Defendant Rural Community Insurance Company (RCIC)¹ removes this case, originally filed in Yakima County Superior Court under case number 18-2-00817-39, to the United States District Court for the Eastern District of Washington. RCIC removes the case pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 on the grounds set forth below.

Diversity Jurisdiction Exists in this Action

- 1. The Court has original jurisdiction over this civil Action under 28 U.S.C. § 1332, which may be removed to this Court by RCIC under 28 U.S.C. § 1441, because the amount in controversy exceeds \$75,000, as Topp Creek alleges damages exceeding \$75,000 and diversity jurisdiction exists. Plaintiff Topp Creek is a business in Washington. RCIC is a Minnesota company.
- 2. There are no claims in the Action that the Court must remand pursuant to 28 U.S.C. § 1454(d)(1), nor are there any claims in the Action that this Court may remand pursuant to 28 U.S.C. §§ 1367(c) and 1454(d)(2).

¹ Plaintiff erroneously described the relationship between the defense entities in the case caption. Defendant Rural Community Insurance Company is the insurance company. Rural Community Insurance Agency is the managing general agent, formerly operating under the business name Rural Community Insurance Services.

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Removal is Timely

- 3. On March 6, 2018, Topp Creek filed this action in the Superior Court of the State of Washington for Yakima County under case number 18-2-00817-39. Summons and Complaint, Ex. A.
- 4. Pursuant to RCW 4.28.080(7)(a) and RCW 48.05.200(1), the Washington State Insurance Commissioner accepted service of the Summons and Complaint on RCIC's behalf on March 14, 2018. Certificate of Service of Process, Ex. B.
- 5. This Notice of Removal is timely filed under 28 U.S.C. 1446(b) because fewer than 30 days have elapsed since service of the Complaint on the Washington State Insurance Commission.

RCIC Satisfied All Remaining Procedural Requirements

- 6. The United States District Court for the Eastern District of Washington is the federal judicial district embracing Yakima County Superior Court, where Topp Creek filed the Action. 28 U.S.C. § 128(a). Yakima is the proper division or location for the matter.
 - 7. The Defendant RCIC consents to removal.
- 8. As is required by 28 U.S.C. 1446(a), a copy of the complete state court record is attached to the Verification of State Court Records, which will be filed separately within 14 days of the filing of this Notice of Removal.

(509) 853-3000

- 9. Promptly after filing this Notice of Removal, RCIC will give written notice to Topp Creek's counsel and will file a copy of this Notice of Removal with the Clerk of the Yakima County Superior Court. 28 U.S.C. § 1446(d).
- 10. The removal of this Action terminates all potential proceedings in Yakima County Superior Court. *See* 28 U.S.C. 1446(d).

Jury Demand

11. RCIC demands a trial by jury on all issues so triable.

Conclusion

- 12. RCIC respectfully gives notice that the above-entitled action is removed from Yakima County Superior Court to the United States District Court for the Eastern District of Washington.
- as to service or jurisdiction or any other defenses or objections it may have to this action. RCIC intends no admission of fact, law, or liability by this Notice and expressly reserves all defenses, motions, and pleas. Should Topp Creek seek to remand this case to state court, RCIC respectfully asks that it be permitted to brief and argue the issue of this removal prior to any order remanding the case.

DATED this 10th day of April, 2018. 1 STOKES LAWRENCE 2 **VELIKANJE MOORE & SHORE** 3 4 By: /s/ Brendan V. Monahan Brendan V. Monahan (WSBA #22315) 5 Erika Hartliep (WSBA #33277) Attorney for Defendant RCIC 6 Stokes Lawrence Velikanje Moore & Shore 7 120 N. Naches Avenue Yakima, WA 98901-2757 8 Telephone: (509) 853-3000 Fax: (509) 895-0060 9 Email: bvm@stokeslaw.com enh@stokeslaw.com 10 11 12 13 14 15 16 17 18 19 20

> STOKES LAWRENCE VELIKANJE MOORE & SHORE

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CERTIFICATE OF SERVICE 1 2 I hereby certify that on April 10, 2018, I caused the foregoing document to be: 3 hand delivered to the following: X 4 J. Jay Carroll 5 Halverson Northwest Law Group 405 East Lincoln Avenue 6 Yakima, WA 98901 7 DATED this 10th day of April, 2018 at Yakima, Washington. 8 /s/ Erika Hartliep 9 Erika Hartliep (WSBA #33277) Attorney for Defendant 10 Stokes Lawrence Velikanje Moore & Shore 11 120 N. Naches Avenue Yakima, WA 98901-2757 12 Telephone: (509) 853-3000 Fax: (509) 895-0060 13 Email: enh@stokeslaw.com 14 15 16 17 18 19 20

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